

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 1749 (S/S) 2005

Deepak Chandra Shah
S/o late Sri Harish Chandra Shah,
Supply Inspector, Takula,
District Almora.

-----Petitioner.

Vs.

1. State of Uttaranchal, through Secretary,
Food & Civil Supplies Department,
Government of Uttaranchal, Dehradun,
2. Commissioner, Food & Civil Supplies,
Uttaranchal, Dehradun,
3. District Supply Officer, Almora.

-----Respondents.

Sri Manoj Tewari learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Manoj Tewari learned counsel for the petitioner and learned Standing Counsel for the State/ respondents.

By means of this writ petition, the petitioner has prayed to issue a writ, order of direction in the nature of certiorari for quashing of the order dated 26.10.2005 passed by respondent no. 3/ District Supply Officer, Almora, rejecting the representation of the petitioner on the ground that since the transfer order was passed by the Commissioner, Food & Civil Supplies, Uttaranchal Dehradun, he is not competent to cancel/modify recall the order passed by the Commissioner.

Brief facts of the case are that the petitioner who was working as Supply Inspector has challenged the transfer order dated 30.06.2005 passed by the Commissioner, Food & Civil Supplies Department, Uttaranchal, Dehradun by which the petitioner was transferred from Takula, district Almora to

Pithoragarh. Aggrieved with the transfer order, the petitioner filed writ petition no. 1374(ss)2005. The said writ petition was disposed of by this Court on 23.09.2005 with a direction to the District Supply Officer to take decision on the representative of the petitioner dated 14.09.2005 within a period of four weeks from the date of production of a certified copy of the order.

It is true that the transfer order was passed by the Commissioner, Food & Civil Supplies Department, Uttaranchal Dehradun and the District Supply Officer is not the competent authority to cancel/modify/recall the order passed by his superiors.

During the course of argument, counsel for the petitioner confined his prayer that the Commissioner, Food & Civil Supplies Department, Uttaranchal, Dehradun may be directed to take decision on the representation of the petitioner.

The prayer is innocuous.

Accordingly, the respondent no. 2, i.e. the Commissioner, Food & Civil Supplies Department, Uttaranchal, Dehradun is directed to take decision on the representation of the petitioner dated 08.11.2005 within a period of two weeks from the date of production of a certified copy of this order.

With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

November 25, 2005:
NCM: